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BEFORE THE PUBLIC UTILITIES  
COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Consider Policies To Achieve the Commission's Conservation Objectives For Class A Water Utilities.

Investigation 07-01-022  
(Filed January 11, 2007)

In the Matter of the Application of Golden State Water Company (U 133 E) for Authority to Implement Changes in Ratesetting Mechanisms and Reallocation of Rates.

Application 06-09-006  
(Filed September 6, 2006)

Application of California Water Service Company (U 60 W), a California Corporation, requesting an Order from the California Public Utilities Commission Authorizing Applicant to Establish a Water Revenue Balancing Account, a Conservation Memorandum Account, and Implement Increasing Block Rates.

Application 06-10-026  
(Filed October 23, 2006)

Application of Park Water Company (U 314 W) for Authority to Implement a Water Revenue Adjustment Mechanism, Increasing Block Rate Design and a Conservation Memorandum Account.

Application 06-11-009  
(Filed November 20, 2006)

Application of Suburban Water Systems (U 339 W) for Authorization to Implement a Low Income Assistance Program, an Increasing Block Rate Design, and a Water Revenue Adjustment Mechanism.

Application 06-11-010  
(Filed November 22, 2006)

Application of San Jose Water Company (U 168 W) for an Order Approving its Proposal to Implement the Objectives of the Water Action Plan.

Application 07-03-019  
(Filed March 19, 2007)

**DISABILITY RIGHTS ADVOCATES' COMMENTS TO  
THE SETTLEMENT BETWEEN DIVISION OF RATEPAYER ADVOCATES  
AND PARK WATER COMPANY**

June 29, 2007

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## **I. INTRODUCTION**

Disability Rights Advocates (DisabRA) submits these comments to the Motion of the Division of Ratepayer Advocates and Park Water Company to Approve Settlement Agreement (“Motion”) filed in I.07-01-022. The Motion was filed with the Commission on June 15, 2007, and comments are due June 29, 2007.

These comments focus on the proposed customer education and outreach program. While DisabRA has submitted these comments separately, we worked closely with the other consumer groups participating in this proceeding and we believe our positions are consistent with those set forth by the other consumers. Specifically, we have reviewed the draft comments from NCLC, LIF, and CFC, and we support their proposal that the Commission should (1) modify the settlement to provide for more aggressive and comprehensive education and outreach; (2) modify the settlement to provide for more specific data collection and analysis to allow for a more thorough review of the effectiveness of the Park pilot program; and (3) in Phase 2 of this proceeding, evaluate the need for an increase in conservation programs and funding for such programs warranted by the adoption of a WRAM mechanism,<sup>1</sup> as well as other proposals discussed below.

## **II. CUSTOMER EDUCATION AND OUTREACH PROGRAM**

DisabRA commends Park’s willingness to work with DRA and other consumer groups to develop a customer education and outreach program to implement in conjunction with the proposed conservation rate design.<sup>2</sup> However, the settlement’s discussion of such programs is so vague with regard to specific outreach and monitoring measures that it does not meet the requirements of the Assigned Commissioner’s Scoping

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<sup>1</sup> See Comments of the National Consumer Law Center, the Latino Issues Forum, and Consumer Federation of California of the Motion of the Division of Ratepayer Advocates and Park Water Company to Approve Settlement Agreement (“NCLC, LIF, & CFC Comments”) at § I (filed June 29, 2007).

<sup>2</sup> Settlement Agreement between the Division of Ratepayer Advocates and Park Water Systems (“Park Settlement”) at ¶ 11.1 (filed June 15, 2007).

Memo.<sup>3</sup> Until details of an outreach program (including funding) are provided, there is no way to assess the program's potential effectiveness.

The full agreement in the proposed settlement regarding outreach is to develop an education and outreach program that includes notices to customers and CBOs within its service areas, to make available information on its website, and to use accessible forms of communication to meet the needs of hearing and/or vision impaired customers.<sup>4</sup> In developing such a program, the details will be critical. Effective education of and outreach to water consumers will be the true key to obtaining actual water conservation.<sup>5</sup> However, the settlement provides no detail regarding the scope of the program, whether it will encompass the education measures anticipated in Phase II of this proceeding, or whether other consumer groups will be allowed to participate in its creation or submit comments. Merely stating that the program will be developed is insufficient. As such, the Commission should require the parties to detail and clarify the anticipated scope of the program to ensure that it encompasses appropriate outreach and education, the role of CBOs, and the way in which low-income and disabled customers will be targeted.

The affordability of water as impacted by Park's conservation rate changes is of particular importance to people with disabilities because they are disproportionately low income. In the context of various low income programs in the energy arena, the Commission has developed a Low Income Needs Assessment Study ("KEMA Report"), which found that one in four low income households have a member with a disability, and that for 20% of all low income households, the responsibility for making energy

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<sup>3</sup> Scoping Memo at 4 (March 8, 2007) ("The parties shall propose customer education initiatives necessary to implement the settlements, including outreach efforts to limited English proficiency customers, monitoring programs to gauge the effectiveness of the adopted conservation rate design, and recommendations on how these results will be reported to the Commission.").

<sup>4</sup> Park Settlement at ¶¶ 11.1-11.2.

<sup>5</sup> See also NCLC, LIF and CFC Comments at § II.C.

payments on behalf of the household lies with a disabled household member.<sup>6</sup> The KEMA Report further observed that many of California's low income households are not currently employed.<sup>7</sup> Persons with disabilities have the highest unemployment rate (68%) of any minority population in the United States.<sup>8</sup> Accordingly, many persons with disabilities have a limited and fixed income, often of government assistance. Those persons with disabilities who do work often can only work part-time, keeping them in a low income bracket.

Because a disproportionate number of customers with disabilities are low income, and because people with disabilities have unique needs in regard to outreach and communication, Park's proposed customer education and outreach program must include specific attention to this community.<sup>9</sup>

To allow effective communication with people with vision disabilities, all forms providing information about the rate changes must be available in accessible formats, including Braille and large print, as well as electronic format, which can be done through Park's website. However, to provide access through the website, the site itself must be in compliance with the access requirements of Section 508 of the Rehabilitation Act of 1973,<sup>10</sup> as incorporated into California law through Government Code Section 11135.

To allow effective communication with customers with hearing disabilities, TTY numbers must be provided with equal prominence on written materials as standard

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<sup>6</sup> California Public Utilities Commission Low Income Needs Assessment Study, Draft Report on Phase 2 (September 5, 2006) at 4-6.

<sup>7</sup> *Id.*

<sup>8</sup> According to the National Organization on Disability-Harris Poll in 2000, among adults with disabilities of working age (18 to 64), 32% work full or part-time, compared to 81% of those without disabilities.

<sup>9</sup> To assist Park in its efforts to engage customers with disabilities, DisabRA has provided Park a document called *Effective Outreach to Persons with Disabilities*, which DisabRA created to help educate utilities on some of the challenges encountered in communicating with a diverse disability population, and suggest methods and strategies for increasing effective communication and outreach.

<sup>10</sup> This provision is codified at 29 U.S.C. § 794 d.

telephone numbers, and calls to the TTY line must receive a response that is equally thorough and prompt as voice calls.

Finally, Park's customer service representatives must be trained in how to effectively meet the needs of customers with disabilities.

DisabRA also supports the proposal by NCLC, LIF, and CFC that Park should contract with CBOs for more aggressive education and outreach, as well as coordinate education and outreach efforts with the CARE education and outreach efforts occurring in its districts.<sup>11</sup> Specifically targeting CBOs that specialize in disability-related issues as well as Independent Living Centers (as already mentioned in the settlement) will enhance outreach to people with disabilities, promoting their meaningful participation in the Commission's conservation efforts. Other CBOs can perform similar services for other hard to reach populations.

### **III. CONCLUSION**

DisabRA has concerns about the Park and DRA settlement in its current form. DisabRA expressed to Park and DRA that we are available and willing to discuss our concerns in more detail. While we see benefits in what the parties are trying to achieve, the settlement lacks the necessary detail to ensure that conservation goals are achieved without adversely impacting Park's low-income and disabled customers. We respectfully request that the settlement be modified either by the Parties or the Commission in accordance with the discussion above prior to approval.

Signed June 29, 2007

Respectfully Submitted,

/s/  
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<sup>11</sup> NCLC, LIF and CFC Comments at § II.C.

## CERTIFICATE OF SERVICE

I certify that I have by electronic mail served a true copy of “Disability Rights Advocates’ Comments to the Settlement between Division of Ratepayer Advocates and Park Water Company” on all known parties to I.07-01-022, et al.

Dated June 29, 2007, at Berkeley, California.

/s/  
Lauren M. Roberts

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